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DECISION

21298 *gavril*
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-204814; B-204814.2 DATE: March 25, 1982

MATTER OF: Redeye Enterprises; Standard Equipment
Company

DIGEST:

1. Bid offering closed-circuit portable television camera system described as weighing "approximately 11 pounds" is properly rejected as nonresponsive to IFB requirement for camera system weighing not more than 11 pounds since weight limitation is material aspect of camera's portability.
2. Bid offering television camera incorporating 30mm lens is nonresponsive to requirement for 50mm lens.

Redeye Enterprises and Standard Equipment Company protest award to Jaydoc Infrared Sales & Service under Invitation for Bids (IFB) R5-06-81-31 issued by the Department of Agriculture, for portable infrared television camera equipment. Standard's low and Redeye's second low bids were rejected as nonresponsive to IFB requirements for a scanning frequency of 30 Hz. (Hertz) and for equipment weighing not more than 11 pounds. Standard's bid was also found to be nonresponsive to a requirement for a 50mm focal length lens. Both protesters offered Video-Therm equipment, although the manner they used to identify this equipment differed. As explained below, the protests are denied.

To be responsive a bid as submitted must be an unequivocal offer to perform the exact thing called for in the IFB, which upon acceptance will bind the contractor to perform all its material terms and conditions. Edw. Kocharian & Company, Inc., 58 Comp. Gen. 214, 217 (1979), 79-1 CPD 20; National Radio Company, Inc.; Bruno-New York Industries Corp., B-198240, July 25, 1980, 80-2 CPD 67.

The IFB's technical specifications stated that the "weight of the camera and power source [a portable battery belt] must not exceed 11 pounds." The specifications also

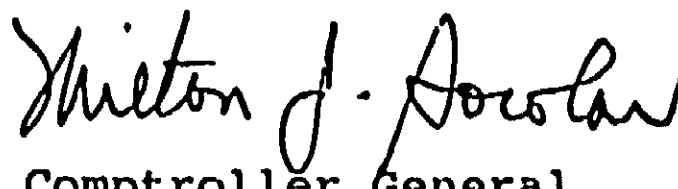
stated that the lens furnished with the camera "must have an equivalent focal length of 50 millimeters."

Prior to bid opening, Redeye sent the contracting officer a "letter of Specification per Solicitation #R5-06-81-31." Among other things, the letter stated that the "Combined power [supply] and camera offered weighs approximately 11 lbs." In our opinion, Redeye's letter qualified its bid because the word approximately would permit it to deliver a camera weighing somewhat more than 11 pounds, notwithstanding the IFB limitation. See Aeroflow Industries, Inc., B-197628, June 9, 1980, 80-1 CPD 399. The bid cannot, therefore, be considered to be an unequivocal offer to deliver exactly what was called for in the IFB. The deficiency in Redeye's bid must be considered to be material and not subject to waiver as a minor informality under Federal Procurement Regulations 1-2.405 (1964 ed.) in view of the plain relevance of weight as a factor affecting the portability of equipment.

Similarly, Standard's bid was properly rejected because Standard stated in its bid that it would furnish a "30mm f/0.74 30 degree FOV [field of view] lens." Standard's descriptive literature indicates that it markets both a 30 and a 50mm lens for the camera it bid. It seems clear, therefore, that by proposing the 30mm lens Standard did not offer to perform the exact thing called for in the IFB. Since the difference between a 30mm and a 50mm lens is such as to alter significantly its optical characteristics, we also conclude that the deviation of Standard's bid from the IFB requirement was not a minor deviation or discrepancy which could be waived.

Having concluded that both bids were nonresponsive, we need not consider the protesters' further argument that Agriculture misinterpreted their bids which they say in fact met the scanning rate requirement.

The protests are denied.

for 
Comptroller General
of the United States